

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS,
OF NOVEMBER 25, 2010
CASE OF ROSENDO CANTU MEXICO ET AL. V. MEXICO
MONITORING COMPLIANCE WITH JUDGMENT**

HAVING SEEN:

1. The Judgment on Preliminary Objections, Merits, Reparations and Costs, issued on August 31, 2010, (hereinafter "the Judgment") by the Inter-American Court of Human Rights (hereinafter "the Inter-American Court", "the Court" or "the Tribunal "), whereby, *inter alia*, it ordered that:

10. The State must conduct in the regular courts, effectively and within a reasonable time period, the investigation and, if appropriate, the criminal proceedings processed in connection with the rape of Mrs. Rosendo Cantú, in order to determine the corresponding criminal liability and, where appropriate, implement penalties and other consequences provided for by the law, in accordance with the provisions of paragraphs 211 to 213 of the [...] Judgment.

[...]

14. The State must hold a public ceremony to acknowledge international responsibility in relation to the facts of the present case, in accordance with the provisions of paragraph 226 of the [...] Judgment.

15. The State must make the ordered publications, in accordance with the provisions of paragraph 229 of the [...] Judgment.

[...]

20. The State must grant scholarships for Mexican public institutions to Mrs. Rosendo Cantú and her daughter, Yenys Bernardino Rosendo, as provided for in paragraph 257 of the [...] Judgment.

21. The State must continue to provide treatment to female victims of sexual violence at the Caxitepec health center, which should be strengthened by providing material and personnel resources in accordance with the provisions of paragraph 260 of the [...] Judgment.

[...]

24. The State must pay the amounts set out in paragraphs 274, 279 and 286 of the [...] Judgment, as compensation for pecuniary and non-pecuniary damages, and as reimbursement of costs and expenses, where and when appropriate, within one year following the notification of the [...] Judgment, in accordance with paragraphs 287 to 294 thereof.

2. The note of the Secretariat of the Court (hereinafter "the Secretariat") of October 1, 2010, whereby, following the President of the Court's instructions (hereinafter "the Secretariat"), requested the representatives to "sub[mit] express written consent from Mrs. Rosendo Cantú regarding the publication of specific reparation measures set forth in paragraphs 213, 226, and 229 of the Judgment."
3. The brief of November 1, 2010, of the Organization of the Indigenous People of Tlapaneco/Me'phaa, the Human Rights Center of Mount "Tlachinollan" and the Center for Justice and International Law (all hereinafter "the representatives"), whereby it responded to the Tribunal's request regarding the publication of specific reparation measures set forth in the Judgment.

CONSIDERING:

1. The Court stated in the Judgment (paragraphs 213, 226 and 229) that if Mrs. Rosendo Cantú were to give consent:

a) "the results of the proceedings [internal criminal investigation] [would be] publicly disclosed so that the Mexican society know the true facts;"

b) "[the public ceremony to acknowledge international responsibility in relation to the facts of the case would be] broadcast over a radio station with coverage in Guerrero;" and,

c) "The State [must]: i) publish the official summary issued by the Court in a nationally circulated newspaper, in Spanish, and in a widely circulated newspaper in the state of Guerrero, in Spanish and Me'paa [...]; ii) publish the entire [...] Judgment [...], together with the Me'paa translation of the official summary, on an appropriate website of the federal state and the state of Guerrero, taking into account the characteristics of the ordered publication, which must be available for at least one year; and, iii) issue the official summary, in both languages —on just one occasion— on a radio station [...] with coverage in Barranca Bejuco."

2. Regarding Mrs. Rosendo Cantú's consent for the effective implementation of the reparation measures referred to in heading a) and b) in the above paragraph, the representatives stated that the victim explicitly gave her consent for:

a) "the public disclosure of the results of the criminal investigations that the State must carry out pursuant to [the Judgment];"

b) "the transmission of the public ceremony to acknowledge international responsibility on a radio station with coverage in Guerrero [...] on the understanding that [...] "[t]he State must agree the means of compliance of the public recognition ceremony with [Rosendo Cantú] and/or her representatives, as well as any other details that are required."

3. The Court takes note of the express consent manifested by Mrs. Rosendo Cantú, and thus the Court believes that Mexico must proceed to effectively comply with these measures, in accordance with the Judgment.

4. Regarding the publication of the official summary of the Judgment in nationwide print media and in the state of Guerrero, the radio broadcast of the official summary on a

radio station with coverage in Barranca Bejuco, and the publication of the Judgment and the official summary in Me'paa on a website belonging to the federal state and on a website belonging to the state of Guerrero, the representatives indicated that Mrs. Rosendo Cantú gives express consent for the implementation of these measures, provided that in such publications, and the radio broadcast, the following parts be excluded: i) the provision of scholarships for her and her children; ii) the provision of treatment for female victims at the Caxitepec health centre; and, iii) payment of the amounts awarded as pecuniary and non-pecuniary damages, and costs and expenses.

5. Representatives substantiated this condition on the potential increase in risk and uncertainty that could affect Mrs. Rosendo Cantú, as well as her family members and community. Such an increase would occur if "notice were given of the granting of a direct, monetary or any other kind of benefit to the victims or [their] community [...]." They stated that "the collective or communal dimension of certain reparation measures makes it necessary to collectively communicate, evaluate, and discuss such measures within the communities. This process is being carried out [...] and it could be affected by the publication of certain aspects of [the Judgment] and certain reparation measures." Finally, they emphasized that if the Court were to consider that the request cannot be carried out as requested by Mrs. Rosendo Cantú, "the Court should consider that [she] does not [give] her consent for these publications."

6. In this regard, the Court notes that the consent given by Mrs. Rosendo Cantú to implement the measures provided for in paragraph 229 of the Judgment was dependant upon its partial publication, i.e., eliminating information that is unrelated to the aim of the Tribunal's question and not in accordance with the Judgment of the present case. Notwithstanding the foregoing, the Court notes the lack of consent given by Mrs. Rosendo Cantú for the aforementioned publications and, therefore, rules that this process to monitor compliance with the Judgment is considered closed with respect to these reparation measures.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in exercising its authority to monitor compliance with its decisions in accordance with Articles 67 and 68(1) of the American Convention on Human Rights, Article 30 of the Statue, and Article 31(1) of its Rules of Procedure,

DECIDES:

1. In accordance with the provisions of Considering Clauses 2 and 3 of this Order, Mrs. Rosendo Cantú expressly gave consent to the State to carry out the following measures set forth in the Judgment:

- a) Public disclosure of the results of investigations and prosecutions conducted by the State as part of the present case; and,

- b) To broadcast, on a radio station with coverage in Guerrero, the public ceremony acknowledging international responsibility in relation to the facts of the case.

2. In accordance with the provisions of Considering Clauses 4 and 6 of this Order, Mrs. Rosendo Cantú has not given consent to the State to carry out the following measures set forth in the Judgment:

- a) Publish the official summary -issued by the Court- in Spanish in a nationally circulated newspaper, as well as in a newspaper that is widely circulated in the state of Guerrero in Spanish and Me'paa,
- b) Publish this Sentence in its entirety, together with the Me'paa translation of the official summary, on an appropriate federal State website and an appropriate Guerrero State website, taking into account the characteristics of the ordered publication, which must be made available for at least one year; and,
- c) Issue the official summary, in both languages -on just one occasion- on a radio station with coverage in Barranca Bejuco.

AND RESOLVES:

1. To request the State to comply with the measures referred to in operative paragraph one of this Order, in accordance with operative paragraphs 10 and 14 of the Judgment issued in this case.

2. To close the monitoring process of the Judgment regarding the reparation measures set forth in Declarative Paragraph two of the present Order, in accordance with Considering Clause six thereof.

3. To continue to monitor all operative paragraphs of the Judgment on preliminary objections, merits, reparations and costs of August 31, 2010, that are pending compliance.

4. To request the Secretariat to notify the United Mexican States, the Inter-American Commission on Human Rights, and the representatives of the victims of this Order.

Diego García-Sayán
President

Leonardo A. Franco

Manuel E. Ventura Robles

Margarette May Macaulay

Rhadys Abreu Blondet

Alberto Pérez Pérez

Eduardo Vio Grossi

Pablo Saavedra Alesandri
Secretary

So ordered,

Diego García-Sayán
President

Pablo Saavedra Alesandri
Secretary